

STATE PERSONNEL BOARD AGENDA



OCTOBER 3, 2008

SACRAMENTO, CA



MEMORANDUM

DATE: September 23, 2008

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD – Executive Office

SUBJECT: Notice and Agenda for the October 3, 2008, Meeting of the State Personnel Board

PLEASE TAKE NOTICE that on October 3, 2008, at the offices of the California State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in open sessions are open to those interested in attending. Interested members of the public who wish to address the Board on an open session item may request the opportunity to do so.

Should you have questions or wish to obtain a copy of any materials related to items considered in the open sessions, please visit the SPB website at www.spb.ca.gov or contact staff in the Secretariat's Office via mail at State Personnel Board, 801 Capitol Mall, Room 570, Sacramento, California 95814 or by calling (916) 653-1028.

Secretariat's Office

Attachment



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

ARNOLD SCHWARZENEGGER, Governor



BOARD MEETING – OCTOBER 3, 2008 ¹

**9:00 a.m. – 1:00 p.m.
(Or upon completion of business)**

ALL TIMES ARE APPROXIMATE

Public and Closed Session Location

801 Capitol Mall, Room 150
Sacramento, CA 95814

¹ Sign Language Interpreter will be provided for Board Meeting upon request – contact Secretariat at (916) 653-1028.

OPEN SESSION OF THE STATE PERSONNEL BOARD

9:00 a.m.

- 1. ROLL CALL**
- 2. REPORT OF THE EXECUTIVE OFFICER**
- Suzanne M. Ambrose
- 3. REPORT OF THE ACTING CHIEF COUNSEL**
- Bruce Monfross
- 4. REPORT ON LEGISLATION**
- Carol Ong
- 5. REPORT ON THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM**
- Anne Sheehan
- 6. REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION**
- Belinda Collins, DPA Representative
- 7. REPORT ON THE HUMAN RESOURCES MODERNIZATION PROJECT**
- Raye Zentner, HR MOD Representative
- 8. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULED FOR OCTOBER 21, 2008, IN SACRAMENTO, CALIFORNIA.**
- 9. NEW BUSINESS**
Items may be raised by Board Members for scheduling and discussion for future meetings.
- 10. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA**

9:15 a.m.

- 11. INFORMATIONAL HEARING**
- SPB Representatives

SPB Staff will present different options for administering the State Employee Mediation Program in light of resource limitations. Interested parties are invited to comment.

9:30 a.m.

- 12. ORAL ARGUMENT**
In the matter of **CASE NO. 04-1782A**. Appeal from constructive medical suspension. Correctional Counselor I. Department of Corrections and Rehabilitation.

10:00 a.m.

13. ORAL ARGUMENT

In the matter of **PSC 08-10**. Appeal by the Department of General Services from the Executive Officer's May 19, 2008, Decision disapproving a Personal Services Contract for Information Technology Services.

10:30 a.m.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

14. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matters submitted at prior hearing.
[Government Code Sections 11126(c)(3), 18653(3)]

15. DELIBERATION ON NON-EVIDENTIARY CASES AND ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on proposed, rejected, remanded, and submitted decisions, petitions for rehearing, and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.

[Government Code sections 11126(c)(3), 18653]

16. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1), 18653.]

California Highway Patrol, et al. v. State Personnel Board, et al.
Sacramento Superior Court
Case No. 34-2008-00002G14-CU-WM-GDS

California Department Corrections and Rehabilitation, et al. v. State Personnel Board, et al.
Sacramento Superior Court
Case No. 34-2007-00883875-CU-WM-GDS

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.
Case No. C01-1351 TEH

Yvonne Walker, Service Employees International Union, Local 1000 v. Arnold Schwarzenegger, et al., Sacramento Superior Court Case No. 34-2008-40000001-CU-PT-GDS

17. **RECOMMENDATIONS TO THE LEGISLATURE**
Deliberations on recommendations to the Legislature.
[Government Code section 18653]
18. **RECOMMENDATIONS TO THE GOVERNOR**
Deliberations on recommendations to the Governor.
[Government Code section 18653]
19. **EMPLOYEE PERSONNEL MATTER**
Discussion concerning the appointment and employment of Chief Counsel candidates. [Government Code section 11126(a)(1)]

11:30 a.m.

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

BOARD ACTIONS:

20. **ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF THE SEPTEMBER 3, 2008, BOARD MEETING.**
21. **RESOLUTION EXTENDING TIME PURSUANT TO GOVERNMENT CODE SECTION 18671.1**
22. **SUBMITTED ITEMS**
These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.
 - A. **DEPARTMENT OF TRANSPORTATION'S CAREER EXECUTIVE ASSIGNMENT (CEA) PROPOSALS UNDER CONSIDERATION (Multiple Districts)**
Staff from PEGC requested a hearing to discuss multiple CEA proposals that were listed on the March 25, 2008, State Personnel Board Agenda. PEGC and CalTrans Director Wil Kempton addressed the five-member Board on August 8, 2008. The Board took the matter under submission.
 - B. **CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S PROPOSED ESTABLISHMENT OF NEW CLASS, MENTAL HEALTH THERAPIST**
Department of Corrections and Rehabilitation proposed the establishment of a new class, Mental Health Therapist, Correctional Facility, with a twelve month probationary period and

designation of the class as sensitive under State Personnel Board Rule 213 for the purpose of pre-employment drug testing.

23. EVIDENTIARY CASES

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

(1) CASE NO. 07-1490

Appeal from five percent reduction in salary for 12 months

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Case taken under submission at the September 23, 2008 Board meeting.

(2) CASE NO. 06-0817A

Appeal from dismissal

Classification: Industrial Relations Counsel IV

Department: Department of Industrial Relations

Proposed decision rejected March 25, 2008.

Transcript prepared.

Oral argument set for June 9-10, 2008, Sacramento.

Oral argument continued.

Oral argument heard July 8, 2008, Sacramento.

Case ready for decision by FULL Board.

(3) CASE NO. 07-2581A

Appeal from rejection during probation

Classification: Correctional Officer Cadet

Department: Department of Corrections and Rehabilitation

Proposed decision rejected on May 13, 2008.

Transcripts prepared.

Oral argument heard September 3, 2008, Sacramento.

Case ready for decision by FULL Board.

(4) CASE NO. 07-1295A

Appeal from dismissal

Classification: Fire Apparatus Engineer-Paramedic

Department: Department of Forestry and Protection

Proposed decision rejected on May 13, 2008.

Transcripts prepared.

Oral argument heard September 3, 2008, Sacramento.

Case ready for decision by FULL Board.

(5) CASE NO. 07-2966EA

Appeal from discrimination complaint

Classification: Environmental Planner

Department: Department of Transportation

Proposed decision rejected May 13, 2008.

Transcripts prepared.

Oral argument heard September 3, 2008, Sacramento.

Case ready for decision by FULL Board.

B. ORAL ARGUMENTS

These cases will be argued at this meeting or will be considered by the Board in closed session based on written arguments submitted by the parties.

(1) CASE NO. 04-1782A

Appeal from constructive medical suspension

Classification: Correctional Counselor I

Department: Department of Corrections and Rehabilitation

(2) PSC 08-10

Appeal from Executive Officer's disapproval of Personal Services Contracts for Information Technology Services

Department: Department of General Services

C. CHIEF COUNSEL RESOLUTIONS, REMANDS, STIPULATIONS, OTHER

(1) CASE NO. 08-1971

Request for Order to Show Cause against the Department of Water Resources.

(2) CASE NO. 01-2978BRB

Request for Back Pay Hearing

(3) CASE NOS. 06-0485, 05-3526, & 06-2216

Stipulation for Settlement

D. ADMINISTRATIVE LAW JUDGES' PROPOSED DECISIONS

The Board Administrative Law Judges (ALJ) conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

PROPOSED DECISIONS AFTER HEARING

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) **CASE NO. 03-3679B**
Appeal for back pay determination
Classification: Licensed Vocational Nurse
Department: Department of Developmental Services
- (2) **CASE NO. 07-2631**
Appeal from dismissal
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation
- (3) **CASE NO. 07-1335**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (4) **CASE NO. 07-3175**
Appeal from rejection during probation
Classification: Licensed Vocational Nurse
Department: Department of Corrections and Rehabilitation
- (5) **CASE NO. 06-3644**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (6) **CASE NO. 06-0332**
Appeal from ten percent reduction in salary for six months
Classification: Highway Maintenance Worker
Department: Department of Transportation
- (7) **CASE NO. 08-0039**
Appeal from non-retention
Classification: Assistant Vice President (Student Affairs-Student Services)
Department: California State University, Los Angeles

- (8) **CASE NO. 05-3443**
Appeal from dismissal
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
- (9) **CASE NO. 06-0562**
Appeal from dismissal
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
- (10) **CASE NO. 08-0342**
Appeal from rejection during probation
Classification: Investigator I
Department: Department of Alcohol Beverage Control
- (11) **CASE NO. 07-3822**
Appeal from medical demotion
Classification: Psychiatric Technician (Safety)
Department: Department of Mental Health
- (12) **CASE NO. 06-0381E & 06-2063E**
Appeal for whistleblower retaliation complaint and merit complaint
Classification: Supervising Real Estate Officer
Department: Department of General Services
- (13) **CASE NO. 07-0996**
Appeal from dismissal
Classification: Physician and Surgeon
Department: Department of Corrections and Rehabilitation
- (14) **CASE NO. 05-3491**
Appeal from five percent reduction in salary for six months
Classification: Disability Evaluation Analyst II
Department: Department of Social Services
- (15) **CASE NO. 06-2897E**
Appeal from whistleblower retaliation complaint
Classification: Staff Services Manager II
Department: California Earthquake Authority

(16) CASE NO. 06-3579

Appeal from ten percent reduction in salary for 24 months

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

(17) CASE NO. 05-3312B

Appeal for back pay determination

Classification: Correctional Captain

Department: Department of Corrections and Rehabilitation

(18) CASE NO. 07-1534E

Appeal from denial of reasonable accommodation

Classification: Supervising Registered Nurse II

Department: Department of Corrections and Rehabilitation

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

(1) CASE NO. 07-1838NP

Appeal from withhold from certification

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

(2) CASE NO. 06-0446P & 06-0719P

Appeals from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

(3) CASE NO. 08-0880EP

Appeal from whistleblower retaliation complaint

Classification: Employment Program Representative

Department: Employment Development Department

(4) CASE NO. 07-2893P

Appeal from rejection during probation

Classification: Health Program Specialist I

Department: Department of Corrections and Rehabilitation

(5) CASE NO. 07-2608P

Appeal from five percent reduction in salary for nine months

Classification: Office Technician

Department: Department of Corrections and Rehabilitation

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

(1) CASE NO. 06-2706PA

Appeal from dismissal

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted April 7, 2008.

Transcript prepared.

Oral argument set for August 8, 2008, Sacramento.

Oral argument continued.

Oral argument set for October 3, 2008, Sacramento.

Oral argument continued.

Oral argument set for November 3, 2008, Sacramento.

(2) CASE NO. 04-1782A

Appeal from constructive medical suspension

Classification: Correctional Counselor I

Department: Department of Corrections and Rehabilitation

Proposed decision rejected June 24, 2008.

Transcripts prepared.

Oral argument set for October 3, 2008, Sacramento.

October 3, 2008

(3) CASE NO. 05-4338EA & 05-4339

Appeal from denial of reasonable accommodation and constructive medical termination

Classification: Registered Nurse

Department: Department of Corrections and Rehabilitation

Proposed decision rejected September 23, 2008

Pending Transcript.

(4) CASE NO. 06-2737PA

Appeal from dismissal

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted April 22, 2008.

Transcripts prepared.

Oral argument set for August 8, 2008, Sacramento.

Oral argument continued.

Oral argument set for October 3, 2008, Sacramento.

Oral argument continued.

Oral argument set for November 3, 2008, Sacramento.

24. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION

CASES NOT HEARD BY A STAFF HEARING OFFICER

(1) CASE NO. 07-1644N

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

Issue: Suitability; close association with convicted felons.

(2) CASE NO. 08-1644N

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

Issue: Suitability; hard drug use within ten years of application.

- (3) **CASE NO. 06-2535N**
Classification: Cadet
Department: California Highway Patrol
Issue: Suitability; omitted pertinent information and negative driving history.
- (4) **CASE NO. 07-1027N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; hard drug use within ten years of application.
- (5) **CASE NO. 07-4005N**
Classification: Cadet
Department: California Highway Patrol
Issue: Suitability; negative driving history.
- (6) **CASE NO. 06-4002N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
- (7) **CASE NO. 07-1571N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history and omitting pertinent information.
- (8) **CASE NO. 06-3999N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and furnishing inaccurate information.
- (9) **CASE NO. 06-2524N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to register with the Selective Service System.

- (10) **CASE NO. 07-2531N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and negative employment history.
- (11) **CASE NO. 07-2748N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history and an arrest/conviction record.
- (12) **CASE NO. 07-1645N**
Classification: Parole Agent I
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history.
- (13) **CASE NO. 07-3349N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omission of pertinent information and negative employment history.
- (14) **CASE NO. 06-2875N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; lifetime firearms prohibition.
- (15) **CASE NO. 06-2751N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to register with the Selective Service System.
- (16) **CASE NO. 06-4744N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to provide complete and accurate information.

- (17) CASE NO. 07-3239N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
- (18) CASE NO. 06-3892N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; inmate association, furnishing inaccurate information and omitting pertinent information.
- (19) CASE NO. 06-4497N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; three misdemeanor convictions within five years of application.
- (20) CASE NO. 07-3094N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative work history.
- (21) CASE NO. 07-0725N**
Classification: Cadet
Department: California Highway Patrol
Issue: Suitability; omitting pertinent information.
- (22) CASE NO. 07-0961N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts.
- (23) CASE NO. 07-1828N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information, arrest/conviction record and negative law enforcement contacts.

- (24) CASE NO. 07-1857N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; hard drug use within ten years of application.
- (25) CASE NO. 07-3157N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history.
- (26) CASE NO. 07-1900N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; hard drug use within ten years of application.
- (27) CASE NO. 06-3885N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to register with Selective Service System.
- (28) CASE NO. 07-0577N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative work history and failure to provide complete and accurate information.
- (29) CASE NO. 07-1801N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and furnishing inaccurate information.
- (30) CASE NO. 07-0658N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and furnishing inaccurate information.

- (31) CASE NO. 06-3316N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information.
- (32) CASE NO. 07-0564N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts and omitting pertinent information.
- (33) CASE NO. 07-5393N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to comply with legal obligations.
- (34) CASE NO. 07-1092N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; hard drug use within ten years of application.
- (35) CASE NO. 07-0716N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; gang affiliation.
- (36) CASE NO. 07-0709N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and negative employment record.
- (37) CASE NO. 07-1049N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; a felony conviction.

- (38) CASE NO. 07-1989N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; gang affiliation.
- (39) CASE NO. 07-1361N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; furnishing inaccurate information, omitting pertinent information and a negative employment history.
- (40) CASE NO. 07-1080N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history.
- (41) CASE NO. 07-0656N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; a lifetime firearms prohibition.
- (42) CASE NO. 07-1649N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; furnishing inaccurate information.
- (43) CASE NO. 06-3083N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; a lifetime firearm prohibition and felony conviction.
- (44) CASE NO. 07-1523N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; five convictions for Driving Under the Influence.

October 3, 2008

(45) CASE NO. 06-3265N

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

Issue: Suitability; omitting pertinent information and negative employment history.

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

CASES HEARD BY A STAFF HEARING OFFICER

(1) CASE NO. 07-2642N

Classification: Cadet

Department: California Highway Patrol

(2) CASE NO. 06-1606N

Classification: Cadet

Department: California Highway Patrol (CHP)

(3) CASE NO. 05-3293N

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

(4) CASE NO. 07-1647N

Classification: Cadet

Department: California Highway Patrol

(5) CASE NO. 07-2076N

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

DISMISSED CASES

(1) CASE NO. 07-2828N

Classification: Cadet

Department: California Highway Patrol

**C. EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT
ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

NONE

**D. RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS,
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

RULE 211

NONE

RULE 212

NONE

VOIDED APPOINTMENT

NONE

**E. REQUEST TO FILE CHARGES CASES, PETITION FOR
REHEARING**

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

NONE

25. NON-HEARING AGENDA

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing. Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500

et seq.) and Article VII of the California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend that the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

NONE

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD proposes to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

26. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions. The first section lists position actions that have been proposed and are currently under consideration. Any parties having concerns with the merits of a

proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Consulting Services Division of the State Personnel Board, and the department proposing the action. To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication. In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board. The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) SPECIAL ADVISOR, TRANSITION TEAM

The Department of Corrections and Rehabilitation: Plata Medical Services proposes to allocate the above position to the CEA category. This position will develop innovative procurement policy and program recommendations for the Receiver's seven new health care facilities and assist the Director by providing guidance, consultation, oversight, technical assistance, and policy interpretation of current administrative standards, laws, rules, and regulations.

(2) CHIEF, BUDGET & FISCAL ANALYSIS BRANCH

The Department of Motor Vehicles proposes to allocate the above position to the CEA category. This position will be responsible for the development and implementation of policies and procedures for the department's budget, the monitoring of all expenditures and the development of costs, the operational implications on pending legislation, and the development and maintenance of the annual fee costing study.

(3) CHIEF, FINANCIAL SERVICES BRANCH

The Department of Motor Vehicles proposes changes to the existing CEA allocation. This position will develop and implement policies affecting the department's fiscal management, provide general oversight and cash management consulting services to programs within the

department, serve as the Database Resource Manager for the Fiscal Enterprise Resource Program relative to data capture and reporting, and be accountable for all expenditures incurred and revenue collected by the department.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS
TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

NONE

A D J O U R N M E N T

State Employee Mediation Program (SEMP)

The State Personnel Board's (SPB) State Employee Mediation Program (SEMP) serves as an alternative solution for resolving conflict in the workplace. The SEMP offers a dispute resolution service that utilizes mediation as a tool to assist state employees and departments in reaching collaborative, mutually satisfying solutions to workplace disputes.

The SEMP provides mediation services statewide. To date there are 67 departments that actively participate in the SEMP. Based on evaluations from SEMP participants, the program has been a successful alternative for resolving workplace conflict.

Background Information:

In 1995, the 5-member board adopted a resolution to pilot a mediation program for workplace disputes. As a result, the State Personnel Board (SPB) in partnership with the Center for Public Dispute Resolution created the SEMP. Eight departments participated in a pilot mediation program during this first year. The pilot program was extremely successful and, as a result, the SEMP was established as a permanent program within the SPB in 1996.

Since 1996, the SEMP has provided the following services at no charge to the using agencies:

- Mediation services
- Gatekeeper and Co-mediator training

The SEMP provides services to departments at no cost. The SPB incurs all operating costs. With the recent budget cuts, the SPB is no longer able to continue to incur program costs, without adversely affecting mandated and mission critical programs. The SPB recognizes the importance of the SEMP and the value it has to departments that utilize its services. The SPB is looking at other options to administer the program and has identified the following alternatives:

Alternative #1

The SPB could restructure the SEMP so that departments contract directly with the mediators. The SPB would work with the Department of General Services to establish California Multiple Award Schedules (CMAS) and Master Service Agreements (MSA) with qualified mediation consultants. SPB staff would direct the current private mediators to DGS to be placed on CMAS or MSA. The SPB would still market the program with brochures and links on the website to the DGS and the vendors' websites.

Alternative #2

Coordinate with the University of California, Davis (UCD) Mediation Services Program, to enable state departments to contract directly with UCD through an interagency agreement. The UC Davis Mediation Services Program mirrors the process used by the SPB's SEMP. Matilda Aidam, Director of the UCD Mediation Program, served as the SPB SEMP Manager from 2000 to 2005. This program employs mediators who have previous experience resolving conflict in the workplace. Ms. Aidam has several years of experience in this area and conducts many of the mediation sessions personally.

Alternative #3

Staff the SEMP with a part-time civil service mediator and continue the program as a reimbursable program, charging departments directly for the program's operating and overhead costs.

The SPB recognizes that there may be other alternatives to successfully operating the SEMP and welcomes suggestions from departments. The SPB is committed to providing the best service possible to its customers and will continue to evaluate current processes and procedures to ensure all programs meet the needs of the customers we serve.



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

ARNOLD SCHWARZENEGGER, Governor



MEMORANDUM

DATE: OCTOBER 03, 2008

TO: STATE PERSONNEL BOARD

FROM: *W. Y. Maseehara for C. Silva-Martin*
CHILA SILVA-MARTIN, Consulting Services Division

SUBJECT: NON – HEARING AGENDA ITEMS FOR BOARD ACTION

-
- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION STAFF TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

NONE

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

NONE